

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

PIEDAD C. KRYNEN

Claim No. CU- 5130

Decision No. CU-1336

Under the International Claims Settlement  
Act of 1949, as amended

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$5,025.71, was presented by PIEDAD C. KRYNEN, and is based upon the asserted loss of a Cuban Government pension. Claimant has been a national of the United States since her naturalization on June 23, 1967.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government

of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

Section 502(1) of the Act defines the term "national of the United States" as "(A) a natural person who is a citizen of the United States." The term does not include aliens.

Thus, in order for the Commission to favorably consider a claim under Section 503(a) of Title V of the Act, it must be established that the subject property was owned in whole or in part by a national of the United States on the date of loss.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (Supp. 1967).)

According to claimant's statements, she was the owner of rights to a Cuban Government pension based on her years of service in the Cuban Foreign Service. She states that her rights were ascertained by a Cuban court on March 4, 1960 as being a retirement pension of \$1,629.96 yearly. Claimant further states that she was serving in the Cuban Foreign Service pending execution of the judicial decree granting the pension when she resigned on March 15, 1961.

Claimant asserts and has submitted copies of supporting documents, indicating that by Cuban Labor Ministry Resolution No. 13961 dated April 1, 1964, there was ordered the fulfilment of the March 4, 1960 decree granting her the pension rights. However, the record also shows that by Cuban Labor Ministry Resolution No. 18422, dated May 2, 1964, Resolution No. 13961 was cancelled and left without effect or value. Claimant has asserted a claim

for a yearly pension of \$1,629.96 from April 1, 1964, which is the date she asserts as the date of loss. Claimant states that she was a Cuban citizen at that time and that she became a United States national by nationalization on June 23, 1967.

It is therefore apparent, from claimant's own statements, that she was not a national of the United States on the asserted date of loss. The Commission therefore finds that claimant has not met the burden of proof in that she has failed to establish ownership at the time of loss, by a national or nationals of the United States, of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Accordingly, this claim is denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claim.

Dated at Washington, D. C.,  
and entered as the Proposed  
Decision of the Commission

**FEB 21 1968**

*Edward S. Re*

Edward S. Re, Chairman

*Theodore Jaffe*

Theodore Jaffe, Commissioner

**CERTIFICATION**

This is a true and correct copy of the decision  
of the Commission which was entered as the final  
decision on MAY 29 1968

*Francis Thaddeus*

Clerk of the Commission

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)

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